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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,593	02/06/2004	Rachel B. Sumerson		8955
7590	06/29/2005		EXAMINER	
Rachel B. Sumerson and Eugene R. Gamache 95 West Boulevard East Rockaway, NY 11518			GROSSO, HARRY A	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/773,593	SUMERSON ET AL.	
	Examiner	Art Unit	
	Harry A. Grosso	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 February 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-27 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/6/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the Indicia or patch (claims 5, 15), fastener for interchangeable patch (claims 6, 16, 20), vertical seams (claims 8, 18, 26) and elastic strip (claims 9, 19, 27) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-10, 12-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Chun (6,286,798).

4. Regarding claim 1, Chun discloses a grip identifier for a beverage glass or container (Figures 1C, 4A, 4B, 10B).

5. Regarding claims 3, 12 and 21, Chun discloses the grip identifier is made of neoprene (column 21, lines 4-6 and lines 65-67).

6. Regarding claims 4, 13 and 25, Chun discloses a loop adhered to the grip identifier (5070, Figure 18, column 23, lines 19-23).

7. Regarding claims 5 and 15, Chun discloses indicia on the grip (Figure 104, column 33, lines 6-8).

8. Regarding claims 6 and 16, Chun discloses a fastener for an interchangeable patch (105, 106, 171, Figures 1C, 4A, 4B, 10B).

9. Regarding claims 7 and 17, Chun discloses the fastener may be part of a hook and loop type fastener and would be capable of having the loop portion fastened to the grip (column 5, lines 21-31).

10. Regarding claims 8, 18 and 26), the grip of Chun would have a seam where the ends of the grip blanks are joined to form the grip.

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11. Regarding claims 9, 19 and 27, the grip identifier of Chun is made from rubber or neoprene, elastic materials, thus providing a strip of elastic material adjacent to the seam.

12. Regarding claims 10 and 23, Chun disclosed that the grip identifier has a front and back side and left and right ends and has a fastener device secured to the front side of one end and the back side of the opposite end. The left or right positioning of the front and back side devices would depend on the orientation of the grip in the flat state (154, 158, Figures 1A, 1B, 1C, column 21, lines 4-17; 165, 169, Figures 10, 10A, 10B, column 21, line 65 to column 22, line 16).

13. Regarding claims 14 and 24, Chun discloses the fastener devices are hook and loop type fasteners (column 5, lines 21-31).

14. Regarding claim 20, Chun discloses a grip identifier for a beverage glass or container with a fastener for an interchangeable patch (105, 106, 171, Figures 1C, 4A, 4B, 10B).

15. Regarding claim 22, Chun discloses the fastener for the interchangeable patch may be part of a hook and loop type fastener and would be capable of having the loop portion fastened to the grip (column 5, lines 21-31).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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17. Claims 2 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Chun. Claims 2 and 11 recite that the beverage glass is a traditional pint glass. Chun does not teach use of a particular size glass, however, applicant does not disclose that use of a traditional pint glass solves any stated problem or is for any particular purpose and it would be an obvious matter of design choice to size the grip for a pint glass. It appears the invention would perform equally well with any typical beverage container and the grip identifier of Chun is inherently capable of use with a traditional pint glass. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have sized the grip identifier of Chun so that desired glass size could be accommodated.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Strech (5,320,249), Williams (5,325,991) and Gladman (5,381,922).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on 571-272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NJ Newhouse *for*
NATHAN J. NEWHOUSE
PRIMARY EXAMINER
6/29/05

Lee Young
Supervisory Patent Examiner
Art Unit 3727

hag